

TOWN OF CAMBRIA TOWN BOARD

October 8, 2009

The regular meeting of the Town of Cambria Town Board was held at 8:00 PM on the 8th day of October 2009 at the Town Hall, 4160 Upper Mountain Road, Town of Cambria, NY

BOARD MEMBERS PRESENT:

**Wright H. Ellis, Supervisor
Superintendent
Robert E. Blackman, Councilman
Debra L. Kroening, Councilwoman
Joseph Ohol, Councilman**

ALSO PRESENT:

**Jon T. MacSwan, Highway
Lou Ann Murawski, Town Clerk
Tamara J. Cooper, Deputy Town Clerk
Thomas Brandt, Attorney
Eight interested individuals**

ABSENT:

George J. Bush, Councilman

Following salute to the flag, Supervisor Ellis called the meeting to order. Board members took action upon the following matters:

Public Hearing – TOWN OF CAMBRIA – Amendment to Town’s Water Ordinance

The Town Clerk read the following public hearing notice:

PLEASE TAKE NOTICE that the Town Board of the Town of Cambria will hold a public hearing on the 8th day of October, 2009 at 8:00 p.m. at the Town Hall, 4160 Upper Mountain Road, Sanborn, New York, to hear and consider amendment to the Rules and Regulations of the Town’s Water Ordinance as follows:

1. Amend Section 1 B. by adding paragraph 6:
 6. Prior to property transferring ownership, a final water meter reading and Water Service Compliance Report as outlined in Section II A shall be conducted by the Town of Cambria.
2. Section II A – add new Section II A Water Service Compliance Inspection
 1. Installation of Radio Water Meter required
 2. Dual check valve – installation required
 3. Reduced Pressure Zone Backflow Preventer – installation required
 4. Thermal Expansion Tank – installation may be required by Town Water Department
 5. Verification of required installations, owner responsibilities
3. Amend Section VIII by adding paragraph 6:
 - (6) As a minimum requirement an approved double check valve assembly shall be installed to protect each service connection to a public water system against backflow of water from the premises into the public water system.

This amendment will be effective immediately as provided by law.

All citizens and persons in interest may be heard at the public hearing to be held as aforesaid.

**BY ORDER OF THE TOWN BOARD,
TOWN OF CAMBRIA**

Supervisor Ellis opened the Public Hearing by clarifying that the proper wording in the Notice of Public hearing regarding the thermal expansion tank and installation should read that it “may be recommended” by the Town Water Department. He continued to explain the reasons for the amendments. Firstly, it is a matter of public safety and the safety of the water supply. Secondly, it helps make sure that the radio read water meters are being installed. Finally, it is to clarify the responsibility of the buyer or seller as to the expenses that may be incurred at that point.

As there were no comments from the public, the public hearing was closed.

APPROVAL OF MINUTES

A brief discussion took place regarding the approval of vouchers from the September 10, 2009 meeting.

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Blackman, it was resolved to approve the Minutes of September 10, 2009.

Ayes: Blackman, Ellis, Kroening, Ohol -Motion Carried-

APPROVAL OF VOUCHERS

Having been reviewed by the Town Board, the following claims were presented for payment:

| | | |
|-------------------------|----------------|-------------|
| General Fund | Claims 431-467 | \$36,040.87 |
| Highway Fund | Claims 198-215 | \$38,267.41 |
| Recreation Fund | Claims 66-69 | \$ 1,962.52 |
| Refuse Fund | Claims 10 | \$29,756.80 |
| Sewer Construction Fund | Claims 3 | \$ 541.95 |
| Sewer Operating Fund | Claims 46-52 | \$ 1,462.72 |
| Trust Agency Fund | Claims 41-50 | \$ 2,591.69 |
| Water Construction Fund | Claims 5 | \$ 529.75 |
| Water Operating Fund | Claims 187-203 | \$ 4,918.01 |

Upon a motion duly made by Councilman Blackman and seconded by Councilman Ohol, it was resolved to approve the abstract of audited vouchers as presented.

Ayes: Blackman, Ellis, Kroening, Ohol -Motion Carried-

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Blackman, it was resolved to approve payment of voucher to M.H. Thilk for approximately 60 percent of the contract work completed on the generator installation in the amount of \$12,000, to be split evenly between the Water Operating Fund (\$6,000) and the General Fund (\$6,000).

Ayes: Blackman, Ellis, Kroening, Ohol -Motion Carried-

WILLOW CREEK STREET LIGHTING

Attorney Brandt indicated he has no update on this issue and, therefore, the matter will be tabled until the November meeting.

AMENDMENT TO TOWN OF CAMBRIA WATER ORDINANCE

The following proposed amendments were presented for the Board’s consideration:

Section I B. General Instructions and Conditions of Service

Add Paragraph 6 as follows:

Prior to property transferring ownership, a final water meter reading and Water Service Compliance Report as outlined in Section II A shall be conducted by the Town of Cambria.

Add Section II A as follows:

Water Service Compliance Inspection

Prior to the transfer of any real property which is connected to the Town of Cambria Water system, the Town Water District shall be notified of the transfer. The current owner shall provide access to the premises, allowing Town personnel to take the final water meter reading and conduct the Water Service Compliance Inspection which shall include compliance with the following provisions:

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Installation of Radio Read Water Meter (hereinafter referred to as AMR) – A Radio Read Water Meter (AMR) must be installed in the residence/building prior to transfer of the property. The AMR shall be installed by Town of Cambria Water District personnel. The owner of the property

shall be responsible for the payment of the water meter replacement fee and said fee shall be included in the final water billing charged to the property owner prior to transfer of the property.

Dual Check Valve – It shall be the responsibility of the property owner to insure that a dual check valve (WATTS #7 or equal) is installed and is in proper working order prior to the transfer of the property. The dual check valve shall be installed after the water meter and any costs associated with said installation shall be the responsibility of the property owner.

Reduced Pressure Zone Backflow Preventor – In lieu of a dual check valve, a Reduced Pressure Zone Backflow Preventor may be required by the Town of Cambria Water District. The acting Water Foreman or a duly designated representative of the Town of Cambria Water District will, upon inspection of the premises, make a determination as to whether a Reduced Pressure Zone Backflow Preventor will be required to be installed. This determination shall be based upon the degree of hazard and the potential for backflow into the Town Water system. Any required installation shall be the responsibility of the property owner and shall be completed prior to transfer of the property.

Thermal Expansion Tank – At the time of the Water Service Compliance Inspection, a recommendation shall be made by Town of Cambria Water personnel as to the requirement for the installation of a thermal expansion tank for potable water. If a determination is made that a thermal expansion tank should be installed for the protection of the plumbing system, such installation should be done in conjunction with the Dual Check Valve and should be installed prior to transfer of the property. Any costs associated with said installation shall be the responsibility of the property owner.

Items 2 and 3 must be completed prior to the AMR installation and transmitting of final water meter reading. If any of the above required items have not been met, a second compliance inspection shall be required to be scheduled to ensure compliance with the Town of Cambria Water District Rules and Regulations.

In the event the owner of the property fails to have a Water Service Compliance Inspection completed prior to the transfer of the property, the new owner of the property shall be held responsible for the completion of a Water Service Compliance Inspection and any necessary repairs required to comply with the provisions of the Town of Cambria Water District Rules and Regulations.

In the event the current owner fails to have a Radio Read Water Meter (AMR) installed prior to the transfer of their property, any fees associated with the installation of the Radio Read Water Meter (AMR) shall be included on the first water billing for the new owner of the property.

Amend Section VIII, F (Backflow Prevention) Subsection 3, Protection of Public Water System at Service Connection (Part I) to include the following new paragraph:

(6) As a minimum requirement, an approved double check valve assembly shall be installed to protect each service connection to a public water system against backflow of water from the premises into the public water system.

Upon a motion made by Councilman Ohol and seconded by Councilman Blackman, it was resolved to adopt the Water District Ordinance amendments as set forth in the Notice of Public Hearing and the paperwork presented by the Town Clerk.

Ayes: Blackman, Ellis, Kroening, Ohol

-Motion Carried-

2010 Budget

Supervisor Ellis stated that the 2010 Tentative Budget was presented to the Town Board on October 5, 2009. He indicated the Tentative Budget reflects minor increases in all lines, and no tax rate increase. The Fire District Budget reflects an increase of 6.1 % in Firematics and 4.8 % for the Ambulance/Emergency Medical Services for both Pekin and Cambria Fire Companies, which is a little less than last year.

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The Town Board will be working on the Budget during the month of October, preparing for the Public Hearing on the Preliminary Budget scheduled for November 5, 2009.

TOWN CLERK REPORTS

The Town Clerk reported receipt of the following:

Building Inspector's Report:

- September 2009 – Total Receipts: \$1,140.00
- Total estimated value of construction cost: \$221,100.00

Niagara County SPCA Report:

- September 2009 – Total animal contacts: 99

HIGHWAY SUPERINTENDENT REPORTS

The Highway Superintendent reported as follows:

- The Highway Department is continuing their work on the Town Park, installing under drainage.
- Three trucks have sanders installed for winter; salt is mixed and ready to go.
- Paving repairs are to be completed as soon as the paver is available.
- Both generators have been installed. They are still waiting for the wire to be pulled across the road and then will coordinate with Northeast Cummins, Thilk and the power company in order to test the generators and have them up and running.

ATTORNEY REPORTS - No reports were presented.

CONCERNS OF THE CITIZENS

Frank Marsden, Unicorn Apartments, expressed his concerns about the clean up of the fire-damaged building in the rear of the complex.

Supervisor Ellis indicated that the debris can be cleaned up; however, because of the asbestos, it is a very expensive endeavor. In addition to applying for the Restore New York grants, the Town has also applied for a grant through Congressman Chris Lee to help with the clean up process and that application looks promising.

Mr. Marsden also addressed an issue he has when he opens the window of his second story apartment. The air flow from the bathroom vents emits sewer gas through his window and into his apartment. He asked the Cambria Housing Authority if an extension could be built onto the vent, and they told him they did not have the funds to accommodate his request. Supervisor Ellis indicated that he would contact Rae Amacher regarding this issue.

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Supervisor Ellis acknowledged three students that were in attendance from the Starpoint High School Participation in Government Class, and asked if they had any questions.

Mark Printup, President of the Cambria Volunteer Fire Company, presented the Town Board with an update on the rebuilding of the fire hall. He indicated that the rebuilding process is very slow as they have yet to receive any type of payment from the insurance company other than the initial advancement for the building. He indicated that all of the fire company's apparatus is in full service.

UNPAID WATER AND SEWER CHARGES

Board members were presented with a listing of property owners and the amounts due for unpaid water and sewer charges which will be placed as a lien upon the real property for which such services were provided. The Total unpaid water amounts to \$16,364.97 and total unpaid sewer in the amount of \$1,188.08.

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Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Blackman, it was resolved to place as a lien on the Real Property as presented in the listing to the Town Board the following amounts as unpaid charges: Unpaid Water: \$16,364.97 Unpaid Sewer: \$1,188.08 and to submit same to the Niagara County Real Property Tax Service Department.

Ayes: Blackman, Ellis, Kroening, Ohol

-Motion Carried-

ASSESSOR TRAINING

Janelle Kroening, Assessor, has requested authorization to attend a required training in Cortland, NY, from October 26 through October 30, 2009.

Upon a motion duly made by Councilman Blackman and seconded by Councilwoman Kroening, it was resolved to approve the request of Janelle Kroening, Assessor, to attend the training and evaluation course in Cortland, NY from October 26 – 30, 2009.

Ayes: Blackman, Ellis, Kroening, Ohol

-Motion Carried-

MUNICIPAL RESOLUTION WATER QUALITY IMPROVEMENT PROJECT-

Supervisor Ellis explained this grant application is for the water and sewer extensions on Lockport and Comstock Roads in the approximate amount of \$600,000.

Municipal Resolution Water Quality Improvement Projects and Nonagricultural Nonpoint Source Projects Municipal Resolution

Resolution authorizing the items listed below pursuant to the Bond Acts enacted in 1965, 1972 and 1996 and the Environmental Protection Fund, as well as federal grant awards available for such projects.

WHEREAS, the Town of Cambria herein called the "Municipality", after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, the Environmental Conservation Law ("ECL") authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith;

NOW, THEREFORE, BE IT RESOLVED BY the Town of Cambria Town Board That Wright H. Ellis, Town Supervisor, or such person's successor in office, is the representative authorized to act in behalf of the Municipality's governing body in all matters related to State assistance under ECL Articles 17, 51 and 56 and/or any applicable federal grant provisions. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality's governing body in all matters related to the Project and to State assistance;

2. That the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation;

That one (1) certified copy of this Resolution be prepared and sent to the Albany office of the New York State Department of Environmental Conservation

4. That this Resolution take effect immediately.

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Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Blackman, it was resolved to approve the resolution as set forth for Water Quality Improvement Projects and authorize the Supervisor to sign the necessary paperwork pertaining to the grant.

Ayes: Blackman, Ellis, Kroening, Ohol

-Motion Carried-

WIND ENERGY CONVERSION SYSTEMS (WECS) FEE SCHEDULE

Upon a motion duly made by Councilman Ohol and seconded by Councilwoman Kroening it was resolved to table the fee schedule for Wind Energy Conversion Systems (WECS) until the November meeting.

Ayes: Blackman, Ellis, Kroening, Ohol

-Motion Carried-

NOVEMBER TOWN BOARD MEETING-

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Blackman it was resolved to set the Town Board Meeting for Thursday, November 5, 2009, 8:00 p.m.

Ayes: Blackman, Ellis, Kroening, Ohol

-Motion Carried-

Adjournment

As there was no further business, the meeting was adjourned by motion made by Councilman Ohol and seconded by Councilwoman Kroening. Time: 8:40 PM.

Respectfully submitted,

Lou Ann Murawski, Town Clerk

Tamara J. Cooper, Deputy Town Clerk